

**REMARKS**

The amendments and remarks presented herein are believed to be fully responsive to the Office Action of August 6, 2007. Accordingly, reconsideration is requested.

**Disposition of Claims.**

Claims 1-24 are pending in the application.

**Claim Rejections – 35 U.S.C. § 102.**

Claims 1, 2 and 19-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fantuzzi, U.S. Patent No. 5,951,226. Applicant traverses this rejection. However, to expedite prosecution, claim 1 has been amended as follows:

1. Handling facility at a seaport or inner harbor with a container terminal arranged alongside a wharf, said container terminal including individual storage modules arranged in rows, and at least one loading facility interacting with the storage modules for the cargo handling to and from a ship docked at the wharf, said handling facility comprising:
  - at least one elevated stacking crane per storage module, said at least one elevated stacking crane handling the receiving, the horizontal transporting, and the stacking of the containers;
  - cross transporters acting independently of each other and able to travel on a different horizontal level transverse to the individual storage modules, said cross transporters being responsible for the horizontal transporting of containers between the storage modules;
  - more than two of said cross transporters being adapted to move on a same level beneath a transport level of said at least one elevated stacking crane and above truck loading lanes on at least one railway extending transversely to the storage modules into a region of and connecting the storage modules to one other; and
  - interim storage stations assigned adjacent to each storage module, each of said interim storage stations being arranged sideways and parallel to said at least one railway and beneath the transport level of said at least one elevated stacking crane assigned to

this storage module, and forming wherein said interim storage stations form interfaces between said at least one elevated stacking crane and said cross transporters, wherein said at least one elevated stacking crane and said cross transporters are both adapted to load and unload the containers from the interim storage stations.

Applicant respectfully urges that Fantuzzi does not anticipate or render obvious claims 1, 2 and 19-23. To establish anticipation, the cited reference must disclose all of the elements as claimed. *Verdegaal Bros. Inc. v. Union Oil Co. of California*, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). Fantuzzi does not disclose a handling facility having interim storage stations adjacent to each storage module, each of said interim storage stations being arranged sideways and parallel to at least one railway and beneath the transport level of at least one elevated stacking crane assigned to the particular storage module, such that the interim storage stations form interfaces between the elevated stacking crane and cross transporters, wherein the elevated stacking crane and cross transporters are both adapted to load and unload the containers from the interim storage stations.

In contrast, Fantuzzi discloses a conveyor ring 18 with trolleys 17 connecting storage areas A with a mobile crane 1. Intermediate trolleys 14 are adapted to transfer containers from shuttle trolleys 8 to trolleys 17 (Col. 9, ll. 38-49). Accordingly, the shuttle trolleys 8 are not adjacent to the storage areas A and do not interface with cranes 26, which run on tracks located inside conveyor ring 18 (Col. 10, ll. 57-59). Thus, the shuttle trolleys of Fantuzzi do not form interfaces between at least one elevated stacking crane and cross transporters, such that the cross transporters and the elevated stacking crane are both adapted to load and unload the containers. In fact, Fantuzzi teaches away from such an arrangement (see FIG. 20).

Accordingly, Applicants submit that the present invention as claimed in claim 1 is not anticipated or rendered obvious by Fantuzzi. Withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) is respectfully requested. Because claims 2 and 19-23 are each dependent on base claim 1, which has been patentably distinguished above, withdrawal of the rejection of claims 2 and 19-23 under 35 U.S.C. § 102(b) is also requested.

**Claim Rejections – 35 U.S.C. § 103.**

Claims 3-18 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fantuzzi in view of one or more of Swain et al., U.S. Patent No. 4,273,494; Quiring, U.S. Patent No. 6,835,040; and Iacco, U.S. Patent No. 3,583,584. Because none of these references makes up for the deficiencies of Fantuzzi, Applicants traverse this rejection.

As discussed above with respect to Fantuzzi, neither Swain et al., Quiring or Iacco disclose a handling facility having interim storage stations adjacent to each storage module, each of said interim storage stations being arranged sideways and parallel to at least one railway and beneath the transport level of at least one elevated stacking crane assigned to the particular storage module, such that the interim storage stations form interfaces between the elevated stacking crane and cross transporters, wherein the elevated stacking crane and cross transporters are both adapted to load and unload the containers from the interim storage stations. Accordingly, withdrawal of the rejection of claims 3-18 and 24 under 35 U.S.C. § 103(a) is respectfully requested.

Further, “[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). With respect to Swain et al., Applicants submit that the combination of the freight handling plant of Fantuzzi with the storage rack entry vehicle of Swain et al. is the result of hindsight reasoning based on Applicant's own disclosure of a cross transporter outfitted with a transfer or receiving device for moving a container from or to an interim storage station. Similarly, Applicants submit that the combination of Fantuzzi with the shuttle cars of Iacco is the result of hindsight reasoning based on Applicant's own disclosure of vertical lifting devices of a load carrier being configured as hydraulic piston and cylinder units. For at least these reasons, Applicants respectfully request withdrawal of the rejection of claims 3-12, 14, 17 and 18 under 35 U.S.C. § 103(a).

With respect to Quiring, Applicants submit that the proposed combinations including Quiring fail to establish a prima facie case of obviousness, which requires that the prior art reference or references when combined teach or suggest all the claimed limitations. See MPEP §

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2143. The laser cutting plate conveyor of Quiring does not disclose interim storage stations configured as angle brackets, which reach at least partially freely across at least one railway and cross transporter so that a load carrier can travel underneath the interim storage station when the cross transporter is positioned underneath that interim storage station. Nor does Quiring disclose sideways running open slots in the horizontal part of the angle bracket in the direction of the load carrier, the slots engaged by vertical lifting devices for the container, arranged on the load carrier and reaching underneath support points of the container. As indicated in the Office Action, Fantuzzi does not make up for these deficiencies. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5-18 and 24 under 35 U.S.C. § 103(a).

Accordingly, for at least the reasons presented above, Applicants submit that the proposed combinations do not render obvious the present invention as claimed in claims 3-18 and 24. Withdrawal of the rejection of these claims under 35 U.S.C. § 103(a) is respectfully requested.

The amendments presented herein are fully supported by the application as filed. No new matter has been added. Issuance of a Notice of Allowance is sincerely requested.

If Examiner Adams has any questions, the Examiner is requested to call the undersigned attorney.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn & Burkhardt, LLP

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